

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

CEDRIC J. SINKFIELD, SR.,

Petitioner,

vs.

WARDEN, SOUTHERN OHIO
CORRECTIONAL FACILITY,

Respondent.

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Case No. 10-CV-253

JUDGE WALTER HERBERT RICE

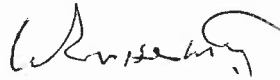
DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS
OF THE UNITED STATES MAGISTRATE JUDGE (DOC. #3) AND
OVERRULING PETITIONER'S OBJECTIONS THERETO (DOC. #6);
JUDGMENT TO ENTER IN FAVOR OF RESPONDENT AND AGAINST
PETITIONER HEREIN, DISMISSING THE WITHIN PETITION FOR WRIT
OF HABEAS CORPUS AS TIME BARRED; CERTIFICATE OF
APPEALABILITY AND ANTICIPATED REQUEST TO APPEAL *IN FORMA*
PAUPERIS DENIED; TERMINATION ENTRY

Based upon the reasoning and citations of authority set forth in the Report and Recommendations of the United States Magistrate Judge, filed June 29, 2010 (Doc. #3), as well as upon a thorough *de novo* review of this Court's file and the applicable law, said Report and Recommendations are adopted in their entirety and Petitioner's Objections to said judicial filing (Doc. #6) are overruled. Judgment will be ordered entered in favor of Respondent and against Petitioner herein, dismissing the within Petition for Writ of Habeas Corpus as time-barred.

Given that Petitioner has failed to make out a substantial showing of the denial of a constitutional right and, moreover, since reasonable jurists would not disagree with this Court's opinion rendered herein, this Court denies a Certificate of Appealability. Moreover, given that any appeal of this Court's judgment would be objectively frivolous, this Court denies a subsequent motion for leave to appeal *in forma pauperis*.

The captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

September 30, 2010



WALTER HERBERT RICE
UNITED STATES DISTRICT JUDGE

Copies to:

Cedric J. Sinkfield, *pro se* Petitioner
Counsel of record.